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conformity provisions; nonattainment NSR for new sources and modifications that are major for NO_x; NO_x RACT; and the requirement for a demonstration of compliance with the enhanced I/M performance standard for NO_x.

(j) [Reserved]

(k) The redesignation request submitted by the Commonwealth of Kentucky, on March 30, 2001, and supplemented on July 9, 2001, for the Kentucky portion of the Louisville moderate interstate ozone nonattainment area from nonattainment to attainment was approved on October 23, 2001. The motor vehicle emissions budgets for VOC and NO_x in the Kentucky portion of the Louisville moderate interstate maintenance plan are adequate for conformity purposes and approvable as part of the maintenance plan. The 1-hour ozone standard maintenance plan motor vehicle emission budgets for the entire interstate Louisville area for the purposes of transportation conformity are now 48.17 tons per summer day of VOC and 92.93 tons per summer day of NO_x for the year 2012.

[46 FR 58082, Nov. 30, 1981, as amended at 48 FR 13169, Mar. 30, 1983; 51 FR 10210, Mar. 25, 1986; 54 FR 10983, Mar. 16, 1989; 60 FR 32469, June 22, 1995; 60 FR 40101, Aug. 7, 1995; 61 FR 50720, Sept. 27, 1996; 62 FR 28637, May 27, 1997; 62 FR 40281, July 28, 1997; 62 FR 55176, Oct. 23, 1997; 62 FR 61246, Nov. 17, 1997; 63 FR 14625, Mar. 26, 1998; 65 FR 37898, June 19, 2000; 66 FR 53685, Oct. 23, 2001]

§ 52.931 Significant deterioration of air quality.

(a) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 (b) through (w) are hereby incorporated and made a part of the applicable state plan for the State of Kentucky only as they apply to permits issued pursuant to § 52.21 prior to final approval of Kentucky's Regulation for Prevention of Significant Deterioration (PSD), Visibility Monitoring, and Visibility New Source Review in Attainment Areas. The provisions of § 52.21 (b) through (w) are rescinded for permits issued after final approval of Kentucky's Regulation for Prevention of Significant Deterioration (PSD), Visibility Monitoring, and Visibility New Source Review in Attainment Areas.

(b) The Commonwealth of Kentucky has committed to revising the state's regulations accordingly when EPA amends the federal vessel emissions provisions contained in 40 CFR 51.166. In a letter dated October 17, 1986, Kentucky stated:

As requested, the Division of Air Pollution Control hereby commits to changing the definition of "building, structure, facility, or installation," and any other applicable definitions, when the issue of vessel emissions is resolved at the federal level, and after the federal regulation, 40 CFR 51.24, is amended.

(c) In a letter dated May 3, 1988, EPA informed Kentucky that the following caveat must be included in all potentially affected permits due to a decision of the U.S. Court of Appeals for the District of Columbia Circuit (*NRDC v. Thomas*, 838 F.2d 1224):

In approving this permit, the Kentucky Division for Air Quality has determined that the application complies with the applicable provisions of the stack height regulations as revised by the EPA on July 8, 1985 (50 FR 27892). Portions of the regulations have been remanded by a panel of the U.S. Court of Appeals for the D.C. Circuit in *NRDC v. Thomas*, 838 F.2d 1224 (D.C. Cir. 1988). Consequently, this permit may be subject to modification if and when the EPA revises the regulation in response to the court decision. This may result in revised emission limitations or may affect other actions taken by the source owners or operators.

Kentucky responded with a letter dated May 11, 1988, stating in part:

This is in response to your letter dated May 3, 1988 * * *. As requested by your letter, the Kentucky Division for Air Quality agrees to include the condition set forth in your letter, in all potentially affected permits issued under regulation 401 KAR 51:017 or 401 KAR 51:052. Therefore, we request that you consider this letter as our commitment that the required caveat will be included in all potentially affected permits * * *.

(d) All applications and other information required pursuant to § 52.21 of this part from sources located in the Commonwealth of Kentucky shall be submitted to the State agency, Commonwealth of Kentucky, Energy and Environment Cabinet, Department of Environmental Protection, Division for Air Quality, 200 Fair Oaks Lane, 1st Floor, Frankfort, Kentucky 40610-1403 or local agency, Louisville Metro Air Pollution Control District, 850 Barret

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Avenue, Louisville, Kentucky 40204, rather than to EPA's Region 4 office.

[54 FR 36311, Sept. 1, 1989, as amended at 74 FR 55143, Oct. 27, 2009]

§ 52.932 Rules and regulations.

(a) The last sentence of section 3(1) of Kentucky regulation 401 KAR 3:050, which specifies that a new fossil fuel fired steam electric generator's allowable SO₂ emissions may be calculated by averaging SO₂ emissions from existing units of this type and from new ones, is disapproved since it contravenes subpart D of 40 CFR part 60, New Source Performance Standards.

(b) Section 8(2)(a) of regulation 401 KAR 61:015 is disapproved in that it allows the Tennessee Valley Authority's Shawnee power plant until October 1, 1981, to achieve compliance with emissions limits which are not made more stringent by the 1979 Part D revisions, and which the source was previously required to meet by July 1, 1977.

(c) Section 8(2)(d) of regulation 401 KAR 61:015 is disapproved in that it allows sources until December 31, 1982, to achieve compliance with emission limits which are not made more stringent by the 1979 Part D revisions, and which the sources were previously required to meet prior to 1979.

[41 FR 19106, May 10, 1976, as amended at 46 FR 40188, Aug. 7, 1981]

§ 52.933 Control Strategy: Sulfur oxides and particulate matter.

(a) In a letter dated March 27, 1987, the Kentucky Department for Natural Resources and Environmental Protection certified that no emission limits in the State's plan are based on dispersion techniques not permitted by EPA's stack height rules. This certification does not apply to: Big Rivers-Green #1 & 2, Kentucky Utilities-Ghent #3 & 4, and Ashland Oil, Inc.-Catlettsburg.

(b) *Determination of Attainment.* EPA has determined, as of March 9, 2011, that the Louisville, IN-KY PM_{2.5} non-attainment area has attained the 1997 PM_{2.5} NAAQS. These determinations, in accordance with 40 CFR 51.1004(c), suspend the requirements for this area to submit an attainment demonstration, associated reasonably available control

measures, reasonable further progress, contingency measures, and other plan elements related to attainment of the standards for as long as the area continues to meet the 1997 PM_{2.5} NAAQS.

[54 FR 23478, June 1, 1989, as amended at 76 FR 12862, Mar. 9, 2011]

§ 52.934 VOC rule deficiency correction.

(a) Sections 1.02, 1.08, 6.12, 6.13, 6.16, 6.18, 6.19, 6.23, 6.29, 6.30, 6.31, 6.32, 6.33, 6.34, 6.35, 7.11, 7.12, 7.16, 7.18, 7.19, 7.23, 7.52, 7.56, 7.57, 7.58, 7.59, 7.60 and 7.61 of the Jefferson County portion of the Commonwealth of Kentucky SIP are being approved. The Commonwealth submitted these regulations to EPA for approval on February 12, 1992. These sections were intended to correct deficiencies cited in a letter calling for the Commonwealth to revise its SIP for ozone from Greer C. Tidwell, the EPA Regional Administrator, to Governor Wallace G. Wilkinson on May 26, 1988, and clarified in a letter from Winston A. Smith, Air, Pesticides & Toxics Management Division Director, to William C. Eddins, Director of the Commonwealth of Kentucky Division for Air Quality.

(b) Sections 1.05, 1.06, 6.17, 6.36, 6.37, and 6.40 of the Jefferson County portion of the Commonwealth of Kentucky SIP are being approved. The Commonwealth submitted these regulations to EPA for approval on March 4, 1993. These sections were intended to correct deficiencies cited in a letter calling for the Commonwealth to revise its SIP for ozone from Greer C. Tidwell, the EPA Regional Administrator, to Governor Wallace G. Wilkinson on May 26, 1988, and clarified in a letter from Winston A. Smith, Air, Pesticides & Toxics Management Division Director, to William C. Eddins, Director of the Commonwealth of Kentucky Division for Air Quality.

(c) Deficiencies in 1.12 Emissions Trading, however, have not been corrected. The above deficiencies must be corrected according to the letters mentioned above, the proposed post-1987 ozone policy (52 FR 45044), and other